

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DONNA R. BRANDT,

Plaintiff,

v.

TERRACE DICKERSON,

Defendant.

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Case No. CIV-23-800-R

ORDER

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 12] issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell recommends dismissal of this action without prejudice due to Plaintiff's failure to timely supplement her in forma pauperis application. Plaintiff has filed two letters [Doc. Nos. 14, 15] which the Court construes as an objection to Judge Mitchell's Report.¹ Plaintiff's letters state that she mailed the information needed to complete her in forma pauperis application.

The record indicates that Plaintiff's initial IFP application was filed on September 25, 2023 [Doc. No. 7]. The application was not on the correct form, was missing the signature of an authorized officer of the penal institution, and was missing the certified copy of Plaintiff's institutional account statement for the preceding six months. Judge Mitchell ordered Plaintiff to cure these deficiencies by October 18, 2023 [Doc. No. 9].

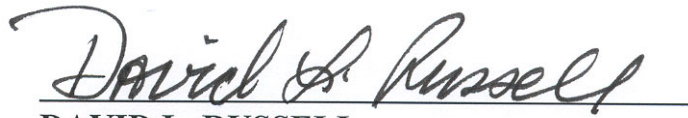
¹ Plaintiff also filed a document [Doc. No. 13] that appears to be requesting permission to amend her complaint to add defendants. This request is denied as moot.

Plaintiff then filed a second IFP application [Doc. No. 10]. Although this application was on the proper form and contained the required signature, it did not include a certified account statement. Judge Mitchell ordered Plaintiff to supplement her IFP application with this information by November 9, 2023 [Doc. No. 11]. When Plaintiff failed to do so, Judge Mitchell issued her Report recommending that this action be dismissed without prejudice.

Plaintiff was twice ordered to supplement her IFP application with a copy of her institutional account statement. Plaintiff's letters do not provide an adequate explanation for her failure to comply with these orders. Further, she has still failed to provide this information, which is needed to evaluate her IFP application.

Accordingly, having conducted a de novo review, the Court ADOPTS the Report and Recommendation [Doc. No. 12] in its entirety. This action is DISMISSED without prejudice to a future filing.

IT IS SO ORDERED this 14th day of December 2023.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE